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*Attorneys for Defendants State of California  
(by and through the California Highway  
Patrol) and Sergio Flores*

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

12  
13  
14 JACOB GREGOIRE,  
15 Plaintiff,  
16 v.  
17  
18 CALIFORNIA HIGHWAY PATROL,  
an agency of the State of California;  
19 SERGIO FLORES, and DOES 1 to 20,  
20 Defendants.  
21

Case No.: 14-cv-01749-GPC (DHB)

**DECLARATION OF DOUGLAS E.  
BAXTER IN SUPPORT OF  
DEFENDANTS' REPLY TO  
PLAINTIFF'S OPPOSITION TO  
MOTION FOR SUMMARY  
JUDGMENT**

Date: February 19, 2016  
Time: 1:30 p.m.  
Courtroom: 2D  
Judge: The Honorable Gonzalo P.  
Curiel

22 I, Douglas E. Baxter, hereby declare as follows:

23 1. I am an attorney duly licensed to practice law in the State of California  
24 and authorized to appear before the above-entitled Court. I am employed as a  
25 Deputy Attorney General for the California Attorney General's Office. I am  
26 assigned to represent Defendants State of California (by and through the California  
27 Highway Patrol) and Sergio Flores.

1       2. Attached herewith as Exhibit A are true and correct copies of page 121 of  
2 the Deposition of Defendant Sergio Flores, the cover to that deposition, and the  
3 court reporter's certification. As indicated on page 6 and footnote 5 of the  
4 Defendants' Reply to Plaintiff's Opposition to Motion For Summary Judgment, this  
5 page was omitted from Document 35-2 of Plaintiff's opposition papers. The page  
6 was among those cited by Plaintiff as evidence with regard to Fact 95 of the  
7 Separate Statement of Undisputed Material Facts. Specifically, Plaintiff cited pages  
8 120 – 122:15 of Officer Flores's Deposition for SSUMF 95, but the middle page  
9 was erroneously omitted from the excerpts provided to the Court in Plaintiff's  
10 opposition papers. Defendant is providing it as indicated on page 6 and footnote 5  
11 of Defendants' Reply to Plaintiff's Opposition to Motion For Summary Judgment.

12 I affirm under penalty of perjury under the laws of the State of California and  
13 of the United States that the foregoing information is true and correct of my own  
14 knowledge and that this declaration is being executed on this 2nd day of February  
15 2016.

s/DOUGLAS E. BAXTER

Douglas E. Baxter

SD2014707454

## EXHIBIT A

Volume II  
Sergio Flores

Confidential - Pursuant to Protective Order  
Gregoire vs. California Highway Patrol

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF CALIFORNIA

3

4 JACOB GREGOIRE,

5

6 Plaintiff,

7 vs.

Case No. :  
14-cv-1749-GPC (DHB)

8 CALIFORNIA HIGHWAY PATROL, an  
9 agency of the State of  
California; SERGIO FLORES, and  
DOES 1 to 20,

10

11

Defendants.

12

13

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VIDEOTAPED DEPOSITION OF SERGIO FLORES

15

SAN DIEGO, CALIFORNIA

16

TUESDAY, NOVEMBER 10, 2015

17

VOLUME II, PAGES 93 through 189, INCLUSIVE,

18

19

20

21

22

23

Reported By:

24

Linda E. Marquette

25

RPR, CLR, CSR No. 11874

26

Job No.: 10020170

CERTIFIED  
ORIGINAL

1           Q.     Okay.  There were two injured people at the  
2     scene, correct, when you arrived?

3           A.     I believe there was one -- well, there were  
4     two occupants.  I believe one of them was the one that  
5     was injured.  I don't believe the other one was injured.

6           Q.     Is it your recollection that two people were  
7     actually put on gurneys and taken from the scene because  
8     of the rollover incident?

9           A.     I don't recall.  I don't remember if I was  
10    even there when they were transported.

11          Q.     Okay.  So sitting here today, you have no  
12    information as to how many people were injured in the  
13    rollover?

14          A.     I --

15                    MR. WOLFE:  Misstates his testimony.

16                    BY MR. LUNEAU:

17          Q.     If you know.

18          A.     I believe there was one person that was  
19     injured, and the other person was not injured.  I  
20     remember having to go to the hospital later on and found  
21     out that only -- there was only one injury.

22          Q.     Okay.  So your information is, is that -- let  
23     me back up.

24                    How many people in the car collision were  
25     taken away on gurneys, if you know?

Volume II  
Sergio FloresConfidential - Pursuant to Protective Order  
Gregoire vs. California Highway Patrol

1 STATE OF CALIFORNIA )  
2 )  
2 COUNTY OF SAN DIEGO )

3

4 I, Linda E. Marquette, a Certified Shorthand  
5 Reporter, do hereby certify:

6 That prior to being examined, the witness in the  
7 foregoing proceedings was by me duly sworn to testify to  
8 the truth, the whole truth, and nothing but the truth;

9 That said proceedings were taken before me at the  
10 time and place therein set forth and were taken down by  
11 me in shorthand and thereafter transcribed into  
12 typewriting under my direction and supervision;

13 I further certify that I am neither counsel for,  
14 nor related to, any party to said proceedings, nor in  
15 anywise interested in the outcome thereof.

16 In witness whereof, I have hereunto subscribed my  
17 name.

18

19

20 Dated: November 20, 2015

21 

22 Linda E. Marquette  
23 RPR, CLR, CSR No. 11874,

24

25